

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, April 3, 2013
9:30 a.m.
Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: March 22, 2013

RE: Closed Session of the Board to be held on April 3, 2013

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any item not resolved in this meeting will be continued to subsequent meetings as indicated in the minutes.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. JDS BUILDERS GROUP, INC., 11-R2D2-2337 THROUGH 2338

2. ZUSSER COMPANY, INC., 11-R3D1-2319 THROUGH 2321

DECISION AFTER REMAND:

1. C & L BLUE INC., 11-R4D1-2942 AND 11-R4D1-2943 THROUGH 2945

PETITIONS FOR RECONSIDERATION:

1. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0439

2. ORANGE COUNTY FIRE AUTHORITY, 2012-R3D1-0440

3. ABDUL G. ZADEH DBA ISLAND AUTO PARTS WAREHOUSE, 11-R3D3-1213
AND 1214

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DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. GUARDSMARK, LLC, 12-R3D1-0056
2. MID-COAST BUILDERS SUPPLY, INC. DBA NEW MCB, INC., 11-R4D3-27

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
5. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
7. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
10. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
11. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
12. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
13. COMMERCIAL METAL FORMING, 09-R3D1-1592
14. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
15. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
16. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

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17. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
18. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
19. EZ MIX, INC., 08-R4D3-1898
20. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
21. HARRIS CONSTRUCTION, 03-R2D5-3914
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. IRWIN INDUSTRIES, 08-R6D4-1454
25. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
26. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
27. LFP VIDEO GROUP LLC DBA HUSTLER VIDEO, 11-R6D2-0966 ~ 0968
28. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
29. LION RAISINS, INC., 08-R2D5-2253 AND 2254
30. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
31. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
32. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
33. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
34. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
35. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364
36. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
37. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
38. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026

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39. PERSONNEL PLUS, INC., 11-R3D5-1302
40. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
41. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
42. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
43. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
44. SIERRA FOREST PRODUCTS, 09-R2D5-3979
45. SMUD, 08-R2D1-4887 THROUGH 4889
46. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414
THROUGH 3418
47. SOUTHERN CALIFORNIA EDISON CO., 12-R3D3-0499
48. SOUTHLAND-TUTOR-PERINI JOINT VENTURE, 11-R5D1-3248
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
51. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
52. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)

ORDERS DISMISSING APPEAL:

1. PEAK PLASTERING, INC., 12-R4D3-1034 AND 1035

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

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LEGISLATION:

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-80006047 (07-R5D1-3611)
5. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
6. SMUD, 34-2010-80000723 (08-R2D1-4887)
7. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
8. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
9. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
10. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
11. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
12. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
13. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
14. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
15. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)

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16. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
17. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
18. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
19. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
20. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
21. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
22. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
23. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
24. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
25. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
26. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
27. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
28. HOME DEPOT USA, INC., BS141301 (10-3284)
29. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
30. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. 515 WEST SEVENTH LLC DBA CANDELLA LIGHTING COMPANY, 11-R6D2-1905 THROUGH 1908
2. AFM ENVIRONMENTAL, INC., 12-R2D1-0880 AND 0881

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3. ALL N AG FARMS INC., 12-R3D2-2543
4. A.M.B.D.INC. DBA D & S TERMITE & PEST CONTROL, 12-R3D2-1566
5. AMERICAN BRIDGE COMPANY AND FLUOR ENTERPRISES, INC DBA AMERICAN BRIDGE/FLUOR ENTERPRISES, INC, A JOINT VENTURE, 11-R1D1-2289 AND 2290
6. AMERICAN SHEET METAL, 12-R3D1-1495
7. ARTIC MECHANICAL, INC., 12-R4D2-2106 THROUGH 2109
8. ASAP DISTRIBUTION, LLC., 12-R1D4-1192 THROUGH 1200
9. BOULEVARD BLACKSMITH & WELDING WORKS INC., 12-R6D2-1284 THROUGH 1289
10. CACTUS RECYCLING, 12-R3D2-1397
11. CECILIO ARREDONDO, 12-R2D5-1349
12. CECILIO ARREDONDO, 12-R2D5-1350
13. CENTRAL VALLEY CHEESE, INC., 12-R2D4-3100 AND 3101
14. CHERRY CABINETS INC., 12-R6D2-2970 THROUGH 2975
15. CITY OF LONG BEACH PWD, 12-R3D5-0061
16. CITY OF SAN DIEGO, 12-R3D2-1532 AND 1533
17. COSTCO WHOLESALE CORPORATION, 12-R2D2-1346 THROUGH 1348
18. CREATIVE ACCENTS, 12-R2D5-1673 THROUGH 1675
19. CREATIVE COMMUNICATIONS TECHNOLOGIES INC., 12-R3D6-1454
20. CUSTOM FOOD PRODUCTS, LLC., 12-R3D5-0136 AND 0137, AND 12-R3D5-1119 AND 1120
21. DAHME HEATING & AIR CONDITIONING, INC., 12-R4D1-1869
22. ERG INTERNATIONAL, 12-R4D3-1131 AND 1132
23. EXACT STAFF, INC., 12-R4D3-1458

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24. EXPRESS SERVICES, INC DBA EXPRESS EMPLOYMENT PROFESSIONALS,
11-R2D1-2433 AND 2434
25. FLAVOR INFUSION, LLC., 12-R6D2-2563 THROUGH 2565
26. GERLINGER STEEL & SUPPLY CO., 12-R2D3-1799
27. GHILOTTI BROS. INC., 12-R2D2-0940
28. RONALD GIOVANNETTI, JOHN GIOVANNETTI & BRYAN GIOVANNETTI
DBA BE GIOVANNETTI & SONS, 12-R2D1-2350 THROUGH 2357
29. GLUCK DEVELOPMENT COMPANY, INC. DBA GLUCK BUILDING,
12-R3D1-3425
30. GOLDEN FASHION, INC., 12-R6D5-1688 AND 1689
31. HANJIN SHIPPING DBA TOTAL TERMINALS INT'L LLC, 12-R6D2-2979
THROUGH 2982
32. HANMI BUILDING SERVICES, INC., 12-R4D1-1843
33. HANSEN AUTO TRANSPORT INC., 12-R1D2-2988
34. HEADER REINFORCEMENT CORP., 12-R6D2-3330 THROUGH 3337
35. HNR FRAMING SYSTEMS INC. DBA BMC SELECT, 12-R3D3-1428 AND 1429
36. IFCA SYSTEMS, 12-R6D2-3290 AND 3291
37. INCLINE PLASTICS, INC., 12-R3D6-1816 THROUGH 1818
38. INTERNATIONAL TRAINING RESOURCES, LLC., 12-R1D2-0416
THROUGH 0418
39. JUANNES PORTABLE WELDING INC., 12-R3D2-1938
40. ROBERT SHANE LAIR DAB COVERALL PROTECTIVE COVERS, 12-R2D1-1590
41. MARIN GENERAL HOSPITAL, 12-R6D1-2885
42. MARQUEZ PRODUCE, INC., 12-R4D1-1271 AND 1272
43. MENLO RECYCLING, 12-R3D3-1324 AND 1325

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44. MENZIES AVIATION PLC., 12-R6D2-3289
45. MERIT PROPERTY MANAGEMENT, 12-R3D2-3319
46. METRO CELL CONSTRUCTION, INC., 12-R3D1-3612
47. MORTON GOLF COMPANY, L.L.C., 13-R2D1-0571
48. NABORS DRILLING INC., 12-R1D5-0212 AND 0203
49. NORTH STATE ELECTIC INC., 12-R2D1-2032 AND 2033
50. NUBEV INC., 12-R6D2-2566
51. NUSIL TECHNOLOGY, LLC., 12-R4D3-2112
52. O'CONNELL LANDSCAPE MAINTENANCE, INC., 12-R3D3-3323
53. PACIFIC CONSTRUCTION SERVICES, 12-R3D1-1903 AND 1904
54. PARAMOUNT FARMS INTERNATIONAL LLC., 11-R4D3-2538
THROUGH 2540
55. PARAMOUNT METALS & SUPPLY CO., 12-R6D2-2486 THROUGH 2490
56. PARSONS RCI, INC., 12-R4D1-1360 THROUGH 1362
57. PRECISION TELEVISION, INC., 12-R2D2-3033
58. PRIORITY REMODELING PLUMBING & AC, 12-R3D2-1496 AND 1497
59. PROVEN MANAGEMENT INC., 12-R1D4-2536
60. RITCHIE BROS. AUCTIONEERS (AMERICA), INC., 12-R2D1-2058
61. RRS PLUMBING CO. INC., 13-R3D1-0046 AND 0047
62. SCANDIA SPORTS, INC., 12-R2D1-0695 THROUGH 0699
63. SELECT HOTELS GROUP LLC DBA HYATT HOUSE SAN DIEGO,
12-R3D2-1741 THROUGH 1743
64. SIMPSON SANDBLASTING & SPECIAL COATINGS, INC., 12-R4D2-1222
65. SONMAR OF FAIRFIELD, LLC, 12-R2D2-1072

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- 66. SOOFER CO., INC., 12-R4D2-1875 THROUGH 1877 AND 13-R4D2-0328
- 67. SAFE & BEAUTIFUL TREE CO. INC., 12-R4D3-2196
- 68. SOUTHWESTERN & PACIFIC SPECIALTY FINANCE, INC, DBA CHECK 'N GO,
12-R1D2-1620
- 69. SRP COMPANY, 12-R2D2-1071
- 70. SPAANS COOKIE CO., 12-R6D1-2004 AND 2005
- 71. STOKER CONSTRUCTION, INC., 12-R3D3-1631 THROUGH 1633
- 72. SUNDT CONSTRUCTION, INC., 12-R1D5-2537
- 73. TARULLI TIRE, INC., 12-R6D2-2679 AND 2680
- 74. TOM PORTER ROOFING INC., 12-R3D2-1211 AND 1212
- 75. TOOLWORKS, 12-R1D1-3089
- 76. TY PANCAKES, VACAVILLE, LLC, 12-R2D2-2394
- 77. UNITED CALIFORNIA CITRUS, INC., 12-R2D5-1319
- 78. UNIVERSALE ALLOY CORPORATION, 12-R3D1-1934
- 79. VALLARTA SUPERMARKETS, 12-R4D3-1406
- 80. VANCIU ELECTRIC, INC., 12-R3D5-1326
- 81. WEST COAST INTERIORS INC., 12-R6D2-0191 THROUGH 0194
- 82. WEST COAST INTERIORS INC DBA WEST COAST PAINTING, 12-R6D2-0176
THROUGH 0178
- 83. WESTERN MILLING, LLC, 12-R2D5-3527
- 84. WRIGHTS CELEBRATIOS, INC., 12-R2D1-1068 AND 1069
- 85. Y A CORPORATION DBA COMPLETE INTERIOR CONSTRUCTION, 12-R3D2-
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PERSONNEL: *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.